IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

APPEAL NO.22 OF 2007
IN
NOTICE OF MOTION NO.3058 OF 2006
IN
SUIT NO.1227 OF 2006

M/s. Sun Constructions & Ors. ..Appellants.
Vs.
Kantibhai Shah ..Respondent.

....

Shri Mukul Taly with Shri Kalzunkar with Shri Rajmani Varma i/b Navdeep Vora & Associates for the Appellants.

Shri S.M. Sakhardande i/b Shri S.S. Wagh for the Respondent .

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CORAM: **R. M. S. KHANDEPARKAR, &**
DR. D.Y. CHANDRACHUD, JJ.

31st January, 2007.

P.C. :

Leave to delete ground (b) and to carry out the amendment accordingly.

Heard.

The Appeal arises from the order dated 19th September, 2006 passed in Notice of Motion 3058 of 2006. By the impugned order the Learned Single Judge by making the Notice of Motion

returnable has directed maintenance of status quo as on the day of passing of the impugned order. Considering the materials on record and more particularly the sale deed based on which the Appellants are seeking interference of this Court in the impugned order at this stage as also the order passed by the Learned Single Judge in Notice of Motion 1471 of 2006 on 4th May, 2006 read with the Commissioner's report, there is absolutely no case made out for interference in the impugned order. All the issues are kept open to be decided at the time of disposal of the Notice of Motion by the Learned Single Judge and by the impugned order merely there is a direction to maintain the status quo. In the facts and circumstances of the case, we do not find any case for interference. Hence, the Appeal is rejected.

(R. M. S. KHANDEPARKAR, J.)

(DR. D.Y. CHANDRACHUD, J.)